

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHARLES E. PAYNE,

Plaintiff,

v.

Civil Action 2:11-cv-00831

Judge Edmund A. Sargus

Magistrate Judge E.A. Preston Deavers

GARY MOHR, *et al.*,

Defendants.

ORDER

This matter is before the Court for consideration of the October 6, 2011 Order and Report and Recommendation of the Magistrate Judge. (ECF No. 4.) Pursuant to an initial screen of Plaintiff's Complaint the Magistrate Judge recommended that the Court dismiss Plaintiff's Complaint for failure to state a claim.

The Order and Report and Recommendation of the Magistrate Judge specifically advised the parties that failure to object to the Report and Recommendation within fourteen days results in a "waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." (Order & Report & Recommendation 5, ECF No. 4.) The time period for filing objections to the Report and Recommendation has expired. No party has objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers to whom this case was referred pursuant to 28 U.S.C. § 636(b).

Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, Plaintiff's Complaint is **DISMISSED** for failure to state a claim.

IT IS SO ORDERED.

11-3-2011
DATED


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE